

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT**

**IN THE MATTER OF:**

Michael D Frost & Aundrea Lynn Frost

Debtors  
\_\_\_\_\_ /

CHAPTER 13

CASE NO. 16-56354-PJS

JUDGE PHILLIP J SHEFFERLY

**TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO MAKE PAYMENTS AND FOR FAILURE  
TO REMIT TAX REFUNDS TO THE TRUSTEE**

**NOW COMES** the Chapter 13 Trustee, Krispen S. Carroll, and moves this Honorable Court for dismissal of the above-captioned matter pursuant to 11 U.S.C. §1307 (c) and in support thereof states as follows:

1. This motion is brought pursuant to 11 U.S.C. §1307 (c)(6).
2. That the Debtors' failure to make payments is a material default in the terms of the confirmed Chapter 13 plan for which dismissal or conversion of the case is appropriate
3. That under the terms of the Debtors' confirmed Chapter 13 Plan, as last amended, if any, the Debtors were obligated to remit 100% of tax refunds to which the Debtors becomes entitled to during the pendency of the Chapter 13 Plan.
4. That based upon information and belief, the Debtors have not remitted refunds to the Trustee as ordered by this Honorable Court.
5. That the Debtors' failure to remit the tax refund is a material default in the terms of the confirmed Chapter 13 Plan for which dismissal or conversion is appropriate.

6. The Chapter 13 Trustee sought concurrence of debtors' counsel in the relief requested on May 01, 2019, but at the time of filing this motion, such concurrence had not been given.

**WHEREFORE**, the Chapter 13 Trustee requests this Honorable Court dismiss the above captioned matter due to a material default in the terms of the Confirmed Plan.

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT  
Krispen S. Carroll, Chapter 13 Standing Trustee

May 16, 2019

/s/ MARIA GOTSIS

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KRISPEN S. CARROLL (P49817)

MARGARET CONTI SCHMIDT (P42945)

MARIA GOTSIS (P67107)

719 Griswold Street, Suite 1100

Detroit, MI 48226

(313) 962-5035

notice@det13ksc.com

**UNITED STATES BANKRUPTCY COURT  
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**ORDER DISMISSING CASE**

This matter having come to be heard upon the Trustee's Motion to Dismiss for Failure to Make Payments and for Failure to Remit Tax Refunds to the Trustee filed pursuant to 11 U.S.C. §1307 (c)(6), notice having been duly give and an opportunity for hearing having been provided, and based upon the records of the court herein, the Court finds that the relief requested is warranted, and the Court being otherwise sufficiently advised in the premises;

**IT IS HEREBY ORDERED** that the Chapter 13 Case of the Debtors herein be and the same hereby is dismissed for the failure to make the payments and failure to remit tax refunds as required under the Chapter 13 Plan, which constitutes a material default in the plan;

**IT IS FURTHER ORDERED** that the Clerk of the Court shall immediately provide notice of the entry of this order to all creditors listed in this case, the Debtors, Debtors' attorney, if any, and the Trustee;

**IT IS FURTHER ORDERED** that Krispen S. Carroll, Trustee, is discharged as Trustee and the Trustee and her surety is released from any and all liability on account of the within proceeding;

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**U.S. BANKRUPTCY JUDGE**

**EXHIBIT "A"**

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**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT**

In re  
Michael D Frost & Aundrea Lynn Frost

CHAPTER 13  
CASE NO. 16-56354-PJS  
JUDGE PHILLIP J SHEFFERLY

Debtors

Address

4275 DOVER STREET  
JACKSON, MI 49201

Last four digits of Social Security or Individual Tax-payer Identification  
(ITIN) No(s), (if any): 3256 and 0879

Employer's Tax Identification (EIN) No(s), (if any): \_\_\_\_\_

**NOTICE OF TRUSTEE'S MOTION TO DISMISS**

The Chapter 13 Trustee has filed papers with the court to dismiss the above-captioned case.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one.)**

If you do not want the court to dismiss the above-captioned case or if you want the court to consider your views on the Trustee's motion, within 14 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at (1):

**United States Bankruptcy Court  
211 W. Fort Street, Suite 2100  
Detroit, MI 48226**

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also send a copy to:

**OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT  
ATTN: MOTION DEPARTMENT**

719 Griswold Street, Suite 1100  
Detroit, MI 48226

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the Motion and you will be served with a notice of the date, time and location of the hearing.

**If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.**

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT  
Krispen S. Carroll, Chapter 13 Standing Trustee

May 16, 2019

/s/ MARIA GOTSIS

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KRISPEN S. CARROLL (P49817)

MARGARET CONTI SCHMIDT (P42945)

MARIA GOTSIS (P67107)

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Detroit, MI 48226

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<sup>1</sup> Response or answer must comply with F.R.Civ.P.8(b), (c) and (e)

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
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JUDGE PHILLIP J SHEFFERLY

Debtors

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**CERTIFICATE OF MAILING**

I hereby certify that on the date indicated below, I electronically filed **TRUSTEE'S**  
**MOTION TO DISMISS, NOTICE OF TRUSTEE'S MOTION TO DISMISS and CERTIFICATE OF**  
**MAILING** with the Clerk of the Court using the ECF system which will send notification of such  
filing to the following:

BABUT LAW OFFICES PLLC  
700 TOWNER STE 1  
YPSILANTI, MI 48198-5757

and I hereby certify that I have mailed by United States Postal Service the above mentioned  
documents to the following non-ECF participants:

Michael D Frost  
Aundrea Lynn Frost  
4275 Dover Street  
Jackson MI 49201

May 16, 2019

/s/ Christina Haley

CHRISTINA HALEY

For the Office of the Chapter 13 Trustee-Detroit

719 Griswold Street, Suite 1100

Detroit, MI 48226

(313) 962-5035

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